



October 12, 2020

VIA E-FILING

The Honorable Colm F. Connolly
United States District Court
844 N. King Street
Wilmington, DE 19801

Re: *VoiceAge EVS LLC v. HMD Global Oy*, C.A. No. 19-1945-CFC

Dear Judge Connolly:

Plaintiff VoiceAge EVS LLC (“VoiceAge EVS”) writes to address Defendant HMD Global Oy’s (“HMD”’s) incorrect characterization of the holding in *AntennaSys, Inc. v. AQYR Techs., Inc.* (Case No. 19-2244) (Fed. Cir. Oct. 7, 2020) (“*AntennaSys*”). (See D.I. 17.) HMD cites *AntennaSys* to support its position that it is proper to resolve issues of standing at the pleading stage. But *AntennaSys* does not address the adequacy of allegations in a Complaint at the pleading stage. To the contrary, *AntennaSys* re-affirms the Federal Circuit’s holding that “the statutory requirements [of the Patent Act] are not jurisdictional in nature” and that such motions challenging subject matter jurisdiction under 12(b)(1) are improper. See VoiceAge EVS’ Opposition Brief (D.I. 12) at 12-15. HMD’s end-around the Rule 12(b)(6) pleading standard and its request for “jurisdictional discovery” should be denied. (D.I. 12.)

Respectfully submitted,

/s/ Brian E. Farnan

Brian E. Farnan

cc: Counsel of Record (Via E-Filing)